

Before the
Federal Communications Commission
 Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	MB Docket No. _____
Amendment of Section 73.202(b))	
FM Table of Allocations)	RM- _____
FM Broadcast Services)	
(Rough Rock, Arizona))	

PETITION FOR RULEMAKING

The Navajo Nation, but its undersigned attorney, hereby petitions the Commission to initiate a rulemaking proceeding to amend Section 73.202(b) of the FCC's Rules, the FM Table of Allocations, to add the following allotment pursuant to the FCC's Tribal Priority:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Rough Rock, AZ	---	258C2

The Navajo Nation is simultaneously filing an application on FCC Form 301 seeking a construction permit to build and operate facilities implementing the tribal allotment.

Technical Considerations

1. As shown in the attached Technical Narrative, the proposed allotment can be made at Rough Rock, Arizona in full compliance with the Commission's technical requirements for new FM allocations, including compliance with the Commission's minimum distance separation and community of license coverage requirements.

Policy Considerations

2. Rough Rock, Arizona, a town rich with Navajo heritage, qualifies as a community for allotment purposes. Rough Rock is a Census Designated place with a population of 414 as of

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the 2010 Census.¹ Rough Rock is a political subdivision known as a Chapter of the Navajo Nation.² Rough Rock has a Chapter House community center³ and a government that serves the people of Rough Rock. Chapter residents also elect a Delegate to the Navajo Nation Council.

3. A center and pride of the community is the recently updated Rough Rock Community School, which teaches the children of Rough Rock the Navajo ways from the time that they are in kindergarten all the way through high school.⁴ Students are housed in dormitories or bused in and attend school on the Community School's two campuses, both of which have received several awards from Arizona's Green Building Council.⁵ The Community School is also the largest employer in Rough Rock. Finally, a Trading Post/Gas Station, as well as two churches, the Rough Rock Friends Church and a Native American Church, are located in Rough Rock.

4. The Navajo Nation and the proposed allotment meet all of the eligibility requirements for the Tribal Priority. Specifically, the Navajo Nation is a federally recognized Tribe. As shown in the attached Technical Narrative, well more than 50% of the area covered by the proposed principal community contour is within the Navajo Reservation. The proposed community for the allotment, Rough Rock, is also located on the Navajo Reservation. Finally, the proposed service will constitute first local and first local Tribal-owned service at Rough Rock.

5. The Navajo Nation has a long history of serving the unique broadcast needs of its members. For some 27 years, the Navajo Nation has operated KTNN(AM), known as "The Voice of the Navajo Nation," from the capital of the Navajo Nation, Window Rock, Arizona.

¹ <http://www.census.gov/popfinder/?fl=0461370>.

² <http://www.navajo-nsn.gov/chapters.htm>.

³ <http://www.dnva.navajo-nsn.gov/Home/CentralAdministration/NavajoNationChapterHouses.aspx>.

⁴ <http://www.roughrock.k12.az.us/default.htm>.

⁵ <http://www.bia.gov/cs/groups/xofecr/documents/digitalmedia/idc-037417.pdf>.

KTNN (AM) was established in 1985 for the purpose of educating, informing and entertaining the Navajo people as well as preserving the Navajo language and culture. The station literally serves as a lifeline for many in its listening area. Given the rural nature of parts of the Reservation, many households do not have access to other forms of media and communications, such as cable television, or in some cases, reliable telephone service. Indeed, households may not have electricity, making radio an important source of information. In addition, many residents speak only the Navajo language. KTNN(AM) meets these acute needs by providing news, information, and emergency communications, as well as educational and entertainment programming specifically in the Navajo language. KTNN(AM) is also an important force in retaining the Navajo culture and identity, as well as the Nation's sovereignty. The station's Navajo language programming serves to reinforce and preserve the Nation's linguistic heritage.

6. Beginning in the 1990s, the Navajo Nation added an FM signal, KWRK(FM), at Window Rock to help provide more diverse programming options to tribal members. The stations together provide much more localized coverage of Reservation events, concerns and politics than general audience media can, especially given that the "local" network television stations for the Reservation originate from the distant communities of Albuquerque and Farmington, New Mexico. Despite the Nation's great successes in bringing these important broadcast services to its people, KWRK(FM) has not been able to reach as far west as originally anticipated due to air traffic considerations in its tower location.

7. Therefore, allocating Channel 258C2 at Rough Rock would serve significant broadcast service needs and advance the Commission's allocation policies. The proposed allocation can be made in accordance with all Commission technical requirements and meets all the eligibility criteria for a Tribal Priority allotment. It constitutes first local and first local

Tribal-owned service to this community, and will serve the unique needs of its underserved listeners.

8. As required by the FCC's rules, the Navajo Nation is also filing simultaneously herewith an application on FCC Form 301 specifying the facilities of the proposed station. If the allotment requested herein is adopted, the Navajo Nation will pursue that application to implement the allocation.

For all the foregoing reasons, the Navajo Nation respectfully requests that the Commission adopt the proposed tribal allotment, Channel 258C2 at Rough Rock, Arizona.

Respectfully submitted,

THE NAVAJO NATION

By: 

Lauren Lynch Flick
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8000

Its Counsel in this matter

Dated: January 13, 2014

TECHNICAL EXHIBIT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
ROUGH ROCK, ARIZONA

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of The Navajo Nation ("Petitioner") in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 258C2 to Rough Rock, Arizona as a Tribal Allotment based on the criteria set forth in Rural Radio.¹ Petitioner is also concurrently filing an associated FCC Form 301 application for channel 258C2 at Rough Rock ("Application").

Proposed Change in Table of Allotments

Petitioner proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, by allotting FM channel 258C2 to Rough Rock, Arizona. Rough Rock is Census Designated Place (CDP) located on the Navajo Reservation in Apache County, Arizona and has a 2010 U.S. Census population of 414 persons. Rough Rock has no local FM or AM service and, therefore, Petitioner's proposal would bring first local, Tribally-owned commercial transmission service to Rough Rock.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Rough Rock, Arizona	--	258C2

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 258C2 at

¹ Rural Radio, First R&O, 25 FCC Rcd at 1596-27. See also NPRM, 24 FCC Rcd at 5248, n.29 (defining "Indian Tribe[s]" and "Federally-Recognized Indian Tribes"), and n.30 (defining "Tribal Lands").

Rough Rock. The allotment reference site, which is also the proposed site set forth in the Application, complies with the Commission's minimum distance separation requirements contained in Section 73.207 to all existing, authorized and proposed stations and allotments.

Figure 2 is a map which demonstrates that the allotment reference site² complies with the FCC's city coverage requirements (Section 73.315) as the 70 dBu (city grade) contour based on maximum Class C2 facilities (ERP 50 kW/HAAT 100 m) and uniform terrain encompasses 100% of Rough Rock. The Rough Rock city limits shown on Figure 2 were obtained from a map contained in the 2010 U.S. Census of Population.

Figure 2 also depicts the 70 dBu and 60 dBu contours for the Application along with the land area located within the Navajo Reservation. As indicated, more than 50% of the Application 70 dBu will encompass Navajo Reservation (Tribal) land as required for a Tribal Allotment. Furthermore, the following tabulates the area and population within the Application 70 dBu and 60 dBu contours depicted on Figure 2.

Contour	Population (2000 Census)	Area (sq. km)
70 dBu	12,753	3,268
60 dBu	25,424	8,423

² The allotment reference site coordinates proposed for channel 258C2 at Rough Rock are: N36-21-08/W109-49-54.

Conclusion

Channel 258C2 can be allotted to Rough Rock,
Arizona as a Tribal Allotment.



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236

July 31, 2013

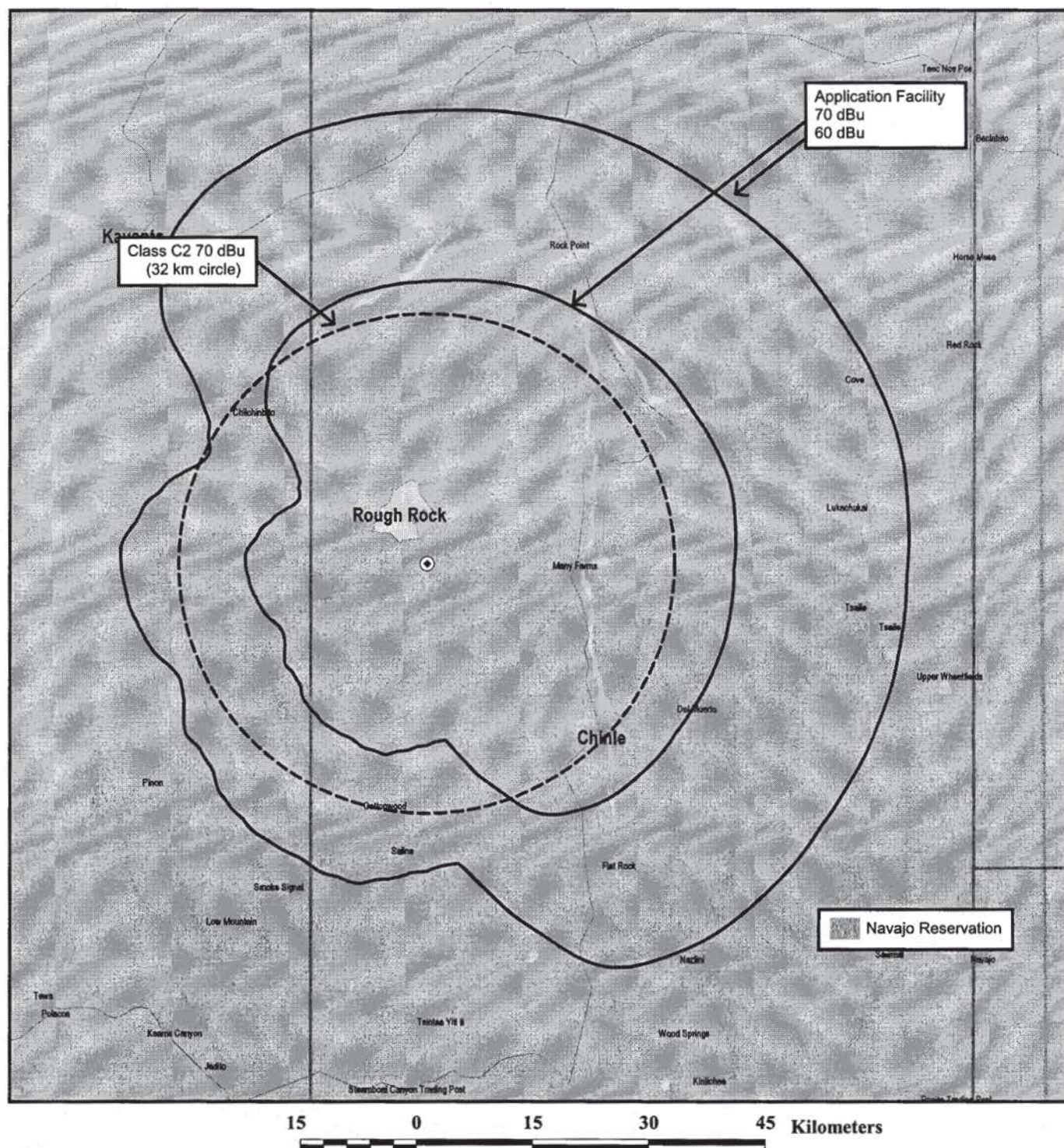
CDBS FM SEPARATION STUDY - PROPOSED SITE/ALLOTMENT REFERENCE POINT

Channel: 258 Coordinates: 036-21-08 109-49-54 (NAD 27)
 Class: C2 Buffer Distance: 50 km

Date: 07/31/2013
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Callsign	Status	Chan.	Serv.	Freq.	City	State	Latitude	Dist.(km)	Sep.(km)	Spacing(km)
Fac. ID	ARN	Class	DA	Ant.	ID	ERP(kW)	HAAT(m)	Longitude	Bear.(deg)	73.215
										Comment
KXTC	LIC	260	FM	99.9	THOREAU	NM	035-36-13	133.06	105	28.06
74310	BLH 19911101KC	C	N			100	369	108-40-45	128.41	96 N CLEAR

Figure 2



COMPLIANCE WITH SECTION 73.315

NEW FM STATION
ROUGH ROCK, ARIZONA
CH 258C2 3.9 KW 488 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

CERTIFICATE OF SERVICE

I, Cherie Mills, a secretary in the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 13th day of January 2014, a copy of the foregoing "Petition for Rulemaking" was delivered via hand delivery to the following:

Geoffrey C. Blackwell, Chief
Office of Native American Affairs & Policy
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Thomas Nessinger, Senior Counsel
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 2-B450
Washington, DC 20554



Cherie Mills